

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

BRANCH BANKING & TRUST
COMPANY,

Plaintiff,

v.

ODYSSEY (VIII) DP I, LLC f/k/a
ODYSSEY (VI) COMMERCIAL DP
III, LLC, LAWRENCE TODD
MAXWELL and WILLIAM D.
DROST,

Defendants.

CIVIL ACTION FILE
NO. 1:13-cv-00643-RLV

**PLAINTIFF'S APPLICATION FOR
CLERK'S ENTRY OF DEFAULT WITH
RESPECT TO WILLIAM D. DROST**

COMES NOW Plaintiff Branch Banking & Trust Company ("BB&T"), by and through the undersigned counsel, and pursuant to Federal Rule of Civil Procedure 55(a), hereby applies to the Clerk of Court to enter default against Defendant William D. Drost ("Drost"). In further support of this Application, BB&T shows the Clerk of Court the following:

Drost was served with process on March 4, 2013. The returned Proof of Service for Drost has been filed with the Court at Docket No. 5. Pursuant to Federal Rule of Civil Procedure 12(a)(1)(A)(i), Drost's answer or other responsive

pleading to BB&T's Verified Complaint was due on March 25, 2013. Drost did not serve BB&T with an answer or other responsive pleading prior to the deadline. Further, BB&T has searched the Court's ECF filing system and cannot find record of any answer or responsive pleading having been filed by Drost. Accordingly, default should be entered against Drost pursuant to Federal Rule of Civil Procedure 55(a).

Respectfully submitted this 26th day of March, 2013.

WOMBLE CARLYLE SANDRIDGE & RICE
A Limited Liability Partnership

By: /s/ Arthur A. Ebbs
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Attorneys for Branch Banking and Trust Company

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following CM/ECF participants:

Theodore Howard Sandler, Esq.
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Alan L. Perez, Esq.
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This 26th day of March, 2013.

**WOMBLE CARLYLE SANRDIDGE &
RICE, LLP**

/s/ Arthur A. Ebbs

Arthur A. Ebbs

Georgia Bar No. 416181